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SUBJECT: COMMENT ON DOL DRAFT LIST FOR TVPRA

REFTEL: STATE 1730

¶1. In response to the Department of State and Department of Labor request (reftel), post submits the following comment on the Department of Labor's draft list of goods that may be produced with forced labor or child labor in Ecuador. Please note Post's recommendation in paragraph 5.

¶2. The majority of Ecuador's child labor is informal, with children working alongside their families in family-run businesses, which are difficult to regulate. This exists in the agricultural sector, in the harvest of bananas and flowers, and in small-scale mining. Formal industry and businesses are better regulated and child labor is uncommon; many formal businesses work to eliminate child labor. The GOE, NGOs and other institutions are taking steps to combat child labor in Ecuador. Article 46 of the constitution, which was approved in a referendum on September 28, 2008, states that the central government will adopt measures to assure the protection of children and adolescents against labor exploitation and implement policies to eradicate child labor. It states that minors under 15 years old are prohibited from working, and that adolescents may only work in exceptional cases that do not infringe upon their right to education or endanger their health or development. However, more needs to be done in the enforcement of child labor laws.

¶3. Flowers: In the formal flower industry, companies affiliated with the export flower association "Expoflores" are inspected and receive a special certification verifying that child labor does not exist in their companies. The association participated with the Ministry of Labor, CORPEI (Ecuador's export promotion agency), the ILO, and several government institutions in a program sponsored by the ILO to eradicate child labor from the flower industry in 2005. However, according to flower industry experts, children still work on some flower farms in the informal flower sector, albeit not in the overall flower sector. Children working in the sector mostly produce flowers for local sale in small, family-run informal businesses. Larger, formal flower businesses go to significant lengths to combat child labor.

¶4. Gold: Ecuador's Mining Chamber, along with the Ministry of Labor and the Ministry of Petroleum and Mines, has worked to help eliminate child labor from the mining sector. However, in the informal mining sector, families involved in small-scale gold mining often have their children help with the family business, similar to the flower sector.

¶5. Recommendation: Post recommends that any published DOL report clearly note that even if child labor exists in a particular sector, this does not necessarily imply that all or even most producers in that sector use child labor. As we have noted in this cable, in Ecuador there is an important difference in how child labor is addressed by small, family businesses in the informal sector and large businesses in the formal sector.

HODGES